

## 2006 Legislation

### Background

This is a brief summary of the 2006 legislation which will impact the Department of Motor Vehicles' (DMV) operations only. It is not a complete list of all 2006 legislative bills. All changes become effective January 1, 2007, unless otherwise noted. You will be notified about changes to policies or procedures in separate memos. If you are interested in further information regarding these bills, visit the legislative information website at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

### Distribution

Notification that this memo is available online at [www.dmv.ca.gov](http://www.dmv.ca.gov) under Publications was made via e-mail alert in December 2006.

### Contact

Call the DMV Customer Communications Section at (916) 657-6560 for further clarification of this memo. Upon request, this document can be produced in Braille or large print.



KATHLEEN ROSE, Deputy Director  
Communication Programs Division

Attachment

**Vehicle Registration**

<i>Code Reference</i>	<i>Comments</i>
<b>Autoette</b> Add: <i>Vehicle Code</i> §§175 and 4000.5	<ul style="list-style-type: none"> <li>Establishes a definition of an “autoette” in the <i>Vehicle Code</i> and requires the department to issue regular license plates and registration to an autoette operated exclusively in the City of Avalon on Santa Catalina Island.</li> <li>Requires the owner to surrender the license plates to the department when the vehicle is removed from the island and brought to the mainland.</li> </ul>
<b>Commercial Vehicles</b> Add: <i>Vehicle Code</i> §34500.3 Amend: <i>Vehicle Code</i> §§2800, 6855 and renumbered to 34518, 8800, 16020, 16502, 22651.4, 34500, 34507, 34507.5, 34517, 40303 Repeal: <i>Vehicle Code</i> Chapter 2, 3 and 4 of Division 13, starting with VC §§29200, 29800, and 30800, Article 3 thru 6 of Chapter 5 of Division 13, starting with VC §§31500, 31510, 31520, 31530	<ul style="list-style-type: none"> <li>Expands the provision that makes it a violation to operate a vehicle with an out-of-service order issued by “an authorized employee of the California Highway Patrol or <i>uniformed</i> peace officer.”</li> <li>Makes it unlawful to violate a lawful out-of-service order issued by an authorized employee of the California Highway Patrol or <i>uniformed</i> peace officer or a commercial vehicle inspector of any state, any province of Canada, or the federal government of the United States, Canada or Mexico when the officer or inspector is in uniform and performing duties under any state, provincial, federal or Mexican law and the out-of-service order complies with specified federal regulations. A violation would constitute a misdemeanor offense.</li> <li>Gives the Department of Motor Vehicles (DMV) the authority to suspend the registration(s) of all vehicles registered in the name of a person when the: <ol style="list-style-type: none"> <li>United States Department of Transportation (USDOT) issues an out-of-service order.</li> <li>DMV suspends/revokes a Motor Carrier of Property permit.</li> <li>Public Utility Commission (PUC) suspends/revokes the operating authority or private registration.</li> </ol> </li> <li>Prohibits a foreign motor carrier or foreign private motor carrier that is required to have a certificate of registration from the USDOT from providing point-to-point transportation services, including express delivery services within the United States for goods other than international cargo.</li> <li>Clarifies that impoundment charges are the responsibility of the vehicle owner; <b>and</b></li> <li>Prohibits a motor carrier granted permanent operating authority from operating a vehicle on the highway unless the vehicle is inspected every three months by a Commercial Vehicle Safety Alliance-certified inspector and displays a current safety inspection decal.</li> </ul>

**Vehicle Registration**

<i>Code Reference</i>	<i>Comments</i>
<b>Disabled Person License Plates and Parking Placards</b> Amend: <i>Vehicle Code</i> §§5007, 9105, 22511.55, 22511.56, and 22511.59	<ul style="list-style-type: none"> <li>• Authorizes the issuance of disabled person license plates to an organization or agency involved in the transportation of disabled persons, if the vehicle which displays the plates, is used solely for the purpose of transporting those persons.</li> <li>• Allows <i>nurse practitioners, certified nurse midwives, and physician assistants</i> to sign and certify the disability on the Application for Disabled Parking Placard (REG 195) for the purpose of allowing the disabled to obtain a disabled person parking placard or disabled person license plate.</li> </ul>
<b>Hybrid Vehicles HOV (Carpool) Lanes</b> Amend: <i>Vehicle Code</i> §§5205.5, 21655.9, and 40000.13 <b>(Sunsets January 1, 2011)</b>	<ul style="list-style-type: none"> <li>• Extends the sunset date for the clean air vehicle program to January 1, 2011. Allows an additional 10,000 hybrid stickers to be issued.</li> <li>• Requires hybrid vehicle owners in the nine Bay Area counties that have been issued Clean Air stickers by DMV to maintain their enrollment in the FasTrak automated toll-collection program administered by the Metropolitan Transit Authority. The intent is to ensure that hybrid owners are subject to normal toll charges when crossing Bay Area bridges.</li> </ul>
<b>IRP Vehicles</b> Add: <i>Vehicle Code</i> §§8100-8104 and 9559.5 Amend: <i>Vehicle Code</i> §§1651.5 and 4601.5	<ul style="list-style-type: none"> <li>• Requires DMV to revise the annual renewal process no later than January 1, 2009, for vehicles registered under the International Registration Plan (IRP) to a “year-round” process.</li> <li>• Gives DMV the authority to suspend apportioned registration when an IRP vehicle has been denied interstate operating authority by a federal agency.</li> <li>• Requires the US DOT number issued to the person responsible for each vehicle being registered. This requirement becomes effective with applications received on and after January 1, 2008.</li> </ul>
<b>Recreational Vehicles: Contaminated Methamphetamine Property</b> Amend: <i>Health &amp; Safety Code</i> §25400.22	<p>Requires the DMV to provide a form to be used by local health officials to:</p> <ul style="list-style-type: none"> <li>• request vehicle license stops</li> <li>• issue informational memoranda, <b>and</b></li> <li>• place a stop (upon request) on a vehicle record in order to preclude a transfer of ownership on a recreational vehicle previously found to have been used as a Methamphetamine lab.</li> </ul> <p>The vehicle registration stop would remain in place until the local health officer provides a release to DMV.</p>

**Vehicle Registration**

<i>Code Reference</i>	<i>Comments</i>
<b>Salvage Certificate</b>  Amend: <i>Vehicle Code</i> §11515	<ul style="list-style-type: none"> <li>• Authorizes the following: <ul style="list-style-type: none"> <li>➤ an insurance company</li> <li>➤ an occupational licensee of the department authorized by the insurance company, <b>or</b></li> <li>➤ a salvage pool authorized by the insurance company</li> </ul> <p>that is unable to obtain a certificate of ownership or other evidence of ownership within 30 days following a total loss settlement, to request that the department issue a salvage certificate for the vehicle.</p> <p>This request must be on a form provided by the department and signed under penalty of perjury. The request must include documentation that the requester has made at least two written attempts to obtain the certificate of ownership or other acceptable evidence of title.</p> </li> <li>• Requires the department to issue a salvage certificate upon receipt of the properly executed request, the license plates and fees.</li> </ul>
<b>Specialized License Plate</b>  Add: <i>Vehicle Code</i> §§5060.1, 5151, 5152, 5154 thru 5160	<ul style="list-style-type: none"> <li>• Creates a “Specialized License Plate” program to provide for the issuance of license plates to promote or publicize the official policy, mission or work of a state agency. Limits the “sponsors” of a plate to a state body or agency.</li> <li>• Requires a minimum 7,500 paid applications to issue the special license plates.</li> <li>• Prohibits issuance to vehicles exempt from registration.</li> </ul>

**Driver License**

<i>Code Reference</i>	<i>Comments</i>
<b>Cell Phones</b> Add: <i>Vehicle Code</i> §12810.3 Add and Repeal: <i>Vehicle Code</i> §23123 <b>(Operative July 1, 2008)</b>	Requires the use of hands-free wireless phones as of July 1, 2008, with limited exceptions.
<b>Commercial Driver License</b> Add: <i>Vehicle Code</i> §15215 Amend: <i>Vehicle Code</i> §13353.2, 15300, 16072, 16077, and 22452	<ul style="list-style-type: none"> <li>• Ensures immediate administrative driver licensing sanctions are imposed when any driver is operating a commercial vehicle with a blood alcohol concentration (BAC) of .04% or greater.</li> <li>• Requires California to report convictions of commercial driver traffic violations to the home state of the commercial driver for sanctioning purposes.</li> <li>• Establishes the following: <ol style="list-style-type: none"> <li>(1) A first conviction for driving <i>any</i> vehicle under the influence of drugs is cause for the disqualification of the commercial driving privilege for one year.</li> <li>(2) A commercial driver who is convicted of leaving the scene of an accident, regardless of whether the violation occurred in a commercial vehicle or the driver's personal vehicle, is subject to the disqualification of the commercial driving privilege for one year.</li> <li>(3) A first conviction of gross vehicular manslaughter or vehicular manslaughter is cause for the disqualification of the commercial driving privilege for one year.</li> </ol> </li> <li>• Eliminates the authority for the issuance of a restricted <i>commercial</i> driver's license when the driving privilege is suspended or because the driver or driver's family has a serious health problem (does not prohibit the issuance of a restricted Class C or M license; thereby allowing the commercial driver to operate a non-commercial vehicle).</li> </ul>
<b>Driver License</b> Amend: <i>Vehicle Code</i> §12811	Removes the minimum age requirement for persons to consent to participate in the organ and tissue donor program.

**Driver License**

<i>Code Reference</i>	<i>Comments</i>
<b>Driver License Suspension</b> Add: <i>Vehicle Code</i> §13352.1 Amend: <i>Vehicle Code</i> §§13352, 13352.4, 23536, and 23538	Increases the mandatory driver's license suspension period to ten months for persons convicted of a first offense of Driving Under the Influence of alcohol if the individual's blood alcohol concentration level was .20% or greater, and the court orders an enhanced alcohol treatment program.
<b>Driving Infraction</b> Add: <i>Vehicle Code</i> §§42002.1, 42001.25, 42002.1 Amend: <i>Vehicle Code</i> §§12810, 21712 and 42001 Repeal: <i>Vehicle Code</i> §13390	<ul style="list-style-type: none"> <li>Creates a new infraction for driving a motor vehicle while knowingly permitting a person to ride in the trunk. A passenger found guilty of riding in the trunk of a vehicle would be guilty of an infraction. Both the driver and passenger would be subject to fines pursuant to a specified schedule. A driver convicted of knowingly permitting passengers to ride in/on the trunk of a vehicle would receive one negligent operator point on his or her driving record.</li> <li>Makes driving under age 21 with a blood alcohol concentration of 0.01% or greater a citable offense, and if convicted, the person would be guilty of an infraction subject to increased court fines. Currently subject to suspension under the Zero Tolerance Law. However, this would not be a point count, according to <i>Vehicle Code</i> §12810.</li> </ul>
<b>Emergency Vehicles</b> Add: <i>Vehicle Code</i> §21706.5 Amend and Repeal: <i>Vehicle Code</i> §25253 <b>(Sunsets January 1, 2010)</b> Add: <i>Vehicle Code</i> §25253 <b>(Operative January 1, 2010)</b>	Requires drivers to take specific precautionary actions on a highway when passing a stopped emergency vehicle when the emergency lights are activated. Makes it an infraction for failure to comply with those requirements.
<b>Equipment of Vehicles</b> Amend: <i>Vehicle Code</i> §24400	Clarifies existing statute regarding the use of headlamps during darkness and/or inclement weather.
<b>Graffiti and Vandalism</b> Amend: <i>Vehicle Code</i> §13202.6	Allows courts to impose increased driver license sanctions for graffiti and vandalism. Courts may now suspend a driver license for a period of up to two years, or delay issuing a license for a period of one to three years.

**Driver License**

<i>Code Reference</i>	<i>Comments</i>
<b>Ignition Interlock Device (IID)</b> Amend: <i>Vehicle Code</i> §§13386, 14601.2, 14601.4, and 14601.5	<p>Prohibits a manufacturer of an ignition interlock device (IID) from furnishing information to any individual or entity that would allow modifications to be made that would allow it to be used in a manner that is contrary to its intended purpose.</p> <p>Prohibits the tampering of an IID by a service center or technician and prohibits reinstatement of the driving privilege until the DMV receives proof that the device has actually been installed. Requires DMV to verify installations on court ordered IID.</p>
<b>Mature Driver Improvement Course</b> Amend: <i>Vehicle Code</i> §§1675 and 1676	<ul style="list-style-type: none"> <li>• Revises the Mature Driver Improvement Program by increasing the maximum allowable course fee and by providing for a renewal course with reduced instructional time.</li> <li>• Addresses comments of course participants who do not believe the full 400-minute course is necessary every three years for renewal purposes.</li> <li>• Allows course providers to charge a fee of up to \$30 for either the initial or renewal course and providers indicate this fee increase is needed because costs have risen since the inception of the program in 1986.</li> <li>• Requires DMV to establish standards and develop criteria and review each provider's renewal course lesson plan to ensure it meets the Mature Driver Improvement Course requirements.</li> </ul>
<b>Pull Notice</b> Amend: <i>Vehicle Code</i> §1808.1	<p>Adds ambulance certificate holders to the current list of certificate holders who are required to participate in the department's Pull Notice Program.</p>
<b>Reckless Driving/Racing</b> Add: <i>Vehicle Code</i> §§23105 and 23109.1	<ul style="list-style-type: none"> <li>• Increases penalties for first conviction of reckless driving or engaging in a speed contest resulting in specified injuries to a person other than the driver.</li> <li>• First-offenders would be subject to confinement in state prison or county jail for not less than 30 days nor more than 6 months, or by a fine of not less than \$220 (reckless driving) or \$500 (speed contest) nor more than \$1000. The specified injuries which would incur these sentences are; loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of a bodily member or organ, wound requiring extensive suturing, serious disfigurement, brain injury, and/or paralysis.</li> </ul>

**Driver License**

<i>Code Reference</i>	<i>Comments</i>
<b>School Bus Certificate</b> Amend: <i>Vehicle Code</i> §§12517 and 12525	<p>Authorizes the California Highway Patrol to conduct a preliminary criminal and driver history check to determine the eligibility of an individual prior to issuing a special certificate authorizing the operation of a schoolbus, school pupil activity bus, youth bus, or a general public paratransit vehicle.</p> <p>Exempts school bus mechanics and driver trainees from having to obtain a school bus endorsement for the operation of the vehicle <b>provided they are not</b> engaged in the transportation of children.</p>
<b>Three-Tier Driver Assessment Project</b> Add/Repeal: <i>Vehicle Code</i> §1659.9 (Sunsets on January 1, 2012)	<p>Requires the department to conduct a study of a Three-Tier Driver Assessment System, contingent upon receipt of grant money, and determine the effectiveness of the program in identifying functional impairments, reducing crashes, and prolonging safe driving years of all drivers regardless of age.</p>

**Occupational Licensing**

<i>Code Reference</i>	<i>Comments</i>
<b>Dealers/Dismantlers</b> Amend: <i>Vehicle Code</i> §§505.2, 11709.21, and 11713.1 Amend: <i>Civil Code</i> §2982.2	<ul style="list-style-type: none"> <li>Exempts specified employees of vehicle dealers and dismantlers from the requirement to be licensed as a Vehicle Registration Service. This will relieve dealers and dismantlers, which are DMV business partners, from duplicative licensing and bonding requirements.</li> <li>Increases the maximum dealer document preparation fee to \$55.</li> <li>Adds excluded vehicles to the contract cancellation option agreement. Dealers may use existing contracts by handwriting the additional excluded vehicles on all copies of the contract.</li> <li>Adds recreational vehicles to the cancellation option notice posted at dealerships.</li> </ul>
<b>Vehicle Manufacturers</b> Add: <i>Vehicle Code</i> §9954 (Operative January 1, 2008)	<p>Requires vehicle manufacturers to provide owners a means to access the codes required to program a new entry key.</p>



**Records Access & Confidentiality**

<i>Code Reference</i>	<i>Comments</i>
<b>Address Confidentiality</b> Amend/Repeal: <i>Government Code</i> §§6211 and 6217 (Sunsets January 1, 2013)	Extends the sunset date of the “Safe at Home” program administered by the Secretary of State to January 1, 2013. This program creates an alternative address for victims of domestic violence and stalking in order to provide an additional means of insuring the safety of these victims. Requires DMV to continue the process used to suppress the driver’s license and vehicle registration records for those persons enrolled in the “Safe at Home” program who apply for the suppression.
<b>Records Access</b> Add: <i>Vehicle Code</i> §11713.25 Amend: <i>Vehicle Code</i> §§1808 and 11713.3	<ul style="list-style-type: none"><li>• Prohibits computer vendors, vehicle manufacturers and other specified entities from accessing information from a motor vehicle dealer’s computer system regarding the dealer’s customers. This is designed to prevent “data mining” from a dealer’s database without the dealer’s consent.</li><li>• Allows requesters to have access to DUI conviction information for violations that occurred within the past ten (10) years. Currently, only law enforcement and the courts are able to access this information for a ten-year period.</li></ul>